IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17731 of 2003

Between:

T.Parthasarathy, S/o.T.Ramamurthy
R/o.H.No.2-2-647/72, Central Excise Colony,

Bagh Amberpet, Hyderabad.

..... PETITIONER

AND

1 The Divisional Cooperative Officer,
Secunderabad Region, Secunderabad.

2 The Deputy Registrar of Cooperative Societies,
City Circle, Chiragi Lane, Abids, Hyderabad.

3 The Prudential Co-op Urban bank Ltd,
Rastrapathi Road, Secunderabad
rep.by its Managing Director.

4 P. Ramesh Babu, S/o. P. Somasekhar Rao,

R/o. Plot No.12,13 and 14, 505, O.H.P. Elegency,

Durgabai Deshmukh Colony, Hyderabad

(R4 is impleaded as per Court order dated 08.11.2004 in
W.P.M.P.No.26589 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue an appropriate writ, order or direction, more particularly one in the nature of Mandamus, declaring the notice of sale dated 25.7.2003 issued by the 1st respondent in EP No.481/95 as illegal, arbitrary, unconstitutional and without jurisdiction.

Counsel for the Petitioner: MR.R.N.HEMENDRANATH REDDY

Counsel for the Respondent Nos.1and2: GP FOR COOPERATION

Counsel for the Respondent No.3: Mrs. BOBBA VIJAYALAKSHMI

Counsel for the Respondent No.4: MR. CH. DHANUNJAYA

The Court made the following ORDER:

ORAL ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner herein filed this writ petition, *inter alia,* seeking to assail the notice of sale dated 25.07.2003, in respect of proceedings issued by the first respondent in EP No.481/95.

Though several contentions have been urged on behalf of the petitioner herein, regarding the jurisdiction etc., now it is admitted that subsequent to the said notice, the respondents have issued fresh notice on 10.05.2004 and the auction was also conducted on 12.06.2004. Having regard to these subsequent proceedings, the petitioner filed a regular appeal under Section 76 of the Andhra Pradesh Cooperative Societies Act, before the Cooperative Tribunal, which has been numbered and taken up as C.C.A.No.116 of 2004, wherein, the petitioner also obtained interim order of stay.

Having regard to these subsequent events, the very writ prayer has become infructuous. The writ petition is accordingly dismissed. However, it is open for both sides to raise all objections to which they are entitled to, under the law, before the Cooperative Tribunal and the Cooperative Tribunal shall consider the same and dispose of the appeal C.C.A.No.116 of 2004 within a period of two months from the date of receipt of a copy of this order. No costs.

B. Prakash Rao, J

Date: 08.11.2004

va/ka

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To

1 The Divisional Cooperative Officer,
Secunderabad Region, Secunderabad.

2 The Deputy Registrar of Cooperative Societies,
City Circle, Chiragi Lane, Abids, Hyderabad.

3 The Managing Director, Prudential Co-op Urban bank Ltd,
Rastrapathi Road, Secunderabad

4 Two CCs to G.P for Cooperation, High Court of A.P Buildings,
Hyderabad (OUT)

5 Two CD Copies